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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,349	01/25/2002	David Battat	D/A0898(1508/3480)	9621

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EXAMINER

CHARLES, MARCUS

ART UNIT PAPER NUMBER

3682

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,349

Applicant(s)

BATTAT ET AL.

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

This action is responsive to the amendment filed 2-23-2005, which has been entered.

Claims 1-9 and 15-19 are currently pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6, 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalebout et al. (5,951,441). Nordengren (4,063,463).

Dalebout et al. discloses a belt comprising a substrate (18/50) having a first and second surfaces and first and second ends, which form a seam, an elastomeric (20/30) having first and second ends and surfaces, wherein the elastomer is adjacent and in contact with the first surface of the substrate and the first and second ends of the elastomer form an interlocking puzzle cut seam (col.4, lines 26-34). Dalebout et al. do not disclose the first and second ends are mechanically, frictionally and detachable interlocked together by a between the ends. Nordengren discloses a belt having first and second ends with interlocking puzzle cuts seam that are mechanically and frictionally locked together in order to frictionally lock the ends of the belt and to form a very strong joint. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the seam of Dalebout et al. to include the puzzle cut of Nordengren in order to frictionally lock the ends of the belt together and to form a very strong joint.

In claims 6 and 20, Dalebout discloses the first seam is bonded with an adhesive (col. 5, lines 5-15).

Note in claim 10, Dalebout et al. clearly discloses that the ends 56/58 can be bonded by adhesive and tapes (Col. 5, lines 9-15).

3. Claims 2-3 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalebout et al. in view of Nordengren as applied to claim 1 and further in view of Driver (1,728,673). Dalebout et al. in view of Nordengren discloses one seam is mechanically interlocked but does not disclose both of the first and second seams are interlocked. Driver discloses a belt with adjacent materials (1, 2) in contact with each other having interlocking ends in order to create a smooth, flat surface to an strengthen the seamed joints. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Dalebout so that both seamed joints are interlocking joints in view of Driver in order to create a smooth, flat surface and to an strengthen the seamed joints.

In claim 3, it is apparent that each interlocking seam includes a kerf (5) so as to allow the adhesive to seal the ends. (fig.1).

In claims 15-17, it is apparent that the method steps would be inherently included during the manufacturing of Dalebout et al. in view of Nordengren and Driver device. Claims 4-5, 7-9, and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalebout et al. in view of Nordengren. Dalebout and Nordengren do not disclose the belts modulus of elasticity and thickness, the elastomeric layer thickness and the dimensional range of the nodes and seam. It would have been obvious to one of

ordinary skill in the art at the time of the invention to modify the belt so that it has a modulus of elasticity of 75PSI to about 3000Psi, the belt has thickness of 0.25 mm to about 5mm mm, the elastomeric layer has a thickness of 0.25 mm to about 4.75 mm, the diameter of the nodes from about 0.6 to about 3mm and the nodes are in the range of 10 to about 20 nodes per long along the seams since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Response to Arguments

4. Applicant's arguments filed 02-23-2005 have been fully considered but they are not persuasive. Applicant contended that neither Dalebout et al. nor Nordengren disclose the belt joint being detachable connected. In response, Nordengren clearly states that the belt joints are in frictionally locking position and further vulcanized to strengthen the joints. It is well known in the art that by vulcanizing two puzzle end to form a common joint, the vulcanizing process does not allow for the joints to be heated so as to become a plastic. Therefore, the joint can be detachable by heating the joints at a temperature below the plastic range and detaching the ends. Vulcanizing the belt joints does not allow for the joints to be melted or heated beyond the plastic range and therefore requires the joints to be detached by suitable process.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (757) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marcus Charles
Primary Examiner
Art Unit 3682
May 13, 2005